



## 2-70 EXECUTION OF SEARCH WARRANTS

### 2-70-1 Policy

Standardized procedures will be followed in the execution of search warrants to ensure the effectiveness of the operation, the safety of personnel and the public, and that all legal requirements are met.

### 2-70-2 Rules and Responsibilities

#### [6] A. Affiant or Affiant's Representative

1. Brief the supervisor about the circumstances of a warrant before presenting the warrant to the District Attorney's office, secure the District Attorney's approval, and present the warrant to the judge for approval.
2. Ensure that a supervisor is present at the scene on all search warrants involving a structure and that the supervisor is thoroughly briefed before the search warrant is executed.
  - a. Supervisors do not need to be present at the execution of a search warrant on vehicles and other non-structural items already in police custody.
3. Brief all participants about the area to be searched, items to be seized and any significant unusual circumstances that may exist involving the premises or its occupants. In situations where exigent circumstances are anticipated, the affidavit will include detailed facts upon which exigent circumstances are believed to be present.
4. Ensure all necessary copies of the warrant are brought to the scene. Give the defendant's copy of the warrant and affidavit to the defendant, if present, or leave on the premises along with a copy of the inventory of all items seized.
5. Be responsible for the return of the warrant, affidavit, and inventory to the District Court Clerk within three days.

- [5]
6. If a diversionary tactic (ruse) that has the potential to affect adversely or disrupt the public, is needed for the effective service of a search/arrest warrant, or for the implementation of a court-ordered electronic listening/homing device, the tactic must be reviewed prior to approval by the City Attorney's Office and the Chief of Police after collaboration with the Deputy Chief of Police - Investigations Support Bureau.



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OPA DRAFT AS OF 8/7/18

[6] B. Supervisors in Charge

1. Before serving a warrant the supervisor in charge will:
  - a. Be thoroughly briefed by affiant or affiant's representative and review the search warrant for probable cause before its being presented to the District Attorney's office. Additionally, ensure all significant, unusual circumstances regarding the premises or occupants are included in the warrant.
  - b. Accompany officers on all search warrants involving a structure.
  - c. Determine whether other agencies should be notified and included in the search; ensure appropriate measures are taken to make such notification and ensure such participation.
  - d. Ensure that specific tasks are assigned to each officer involved in the search as well as the assignment to videotape or photograph the scene after the scene is secure.
  - e. Notify a commanding officer of the plan to serve a search warrant. The commanding officer will be responsible for making a determination whether or not the Tactical Team will be used. Guidance for making this determination can be found below in section D.
  - f. Notify Emergency Communications no later than 5 minutes prior to the service of the warrant of:
    - i. The location of the search.
    - ii. The time of the search.
    - iii. The unit or division responsible for the execution of the warrant.
    - iv. Any special circumstances relating to the service of the warrant.
    - v. The approximate time the warrant will be served.
  - g. Ensure that if a warrant is to be served outside the city limits, the appropriate agency is notified before the service of the warrant. Representatives of that agency should be present, if possible, and if they so desire, when the warrant is served.
  - h. Secure the area command frequency during the initial entry and until the premise is secured.
2. If the Tactical Team is not going to be used, the supervisor in charge will:
  - a. Make certain that all officers who participate in the execution of the search warrant are wearing clothing that clearly displays the badge of office on the chest and the Albuquerque Police Department shoulder patch that clearly identifies them as police officers before the execution of the warrant. Ensure everyone involved in the execution of the warrant is wearing protective body armor.





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- iv. Persons will be frisked for the safety of the officers. However, they should not be searched unless it is specifically indicated in the search warrant, or if there is probable cause to believe the persons are concealing or will destroy any possible evidence.
- v. Enter on the return and inventory the specific description of found evidence, the location where found, and the name of the officer who found the evidence. When multiple items are to be listed, a separate inventory sheet should be used if necessary.
- vi. Inventory all seized property.
- vii. Maintain seized evidence and ensure it is tagged into evidence.
- viii. Before leaving the premises after completing the warrant service and search, make every reasonable attempt to secure the premises.
- ix. Ensure that every officer present completes a supplementary report detailing their actions and identifying the location of any evidence they collected.

4. If the Tactical Team is going to be used, the supervisor in charge will:

- a. Have the individuals who will be conducting the search stand-by in a pre-designated outer perimeter area or assigned post.
- b. Resume control of the situation after being advised by the Tactical team supervisor that the premises to be searched is secure.

[6]

C. Knock and Announce/Forceful Entry

1. Officers are required to knock and announce their identity and purpose and to wait a reasonable time to determine if consent to enter will be given before forcefully entering a residence to execute a search warrant unless exigent circumstances exist.
2. Forced entry may be justified by exigent circumstances.
3. The supervisor in charge will confer with a commanding officer on warrants that may require force to gain entry before serving the warrant.
4. When reasonable, the supervisor may contact the property owner to gain entry.

[6]

D. Use of the Tactical Team

1. For service of all search warrants, Detectives will complete the APD Tactical Search/Arrest Warrant Service Risk Assessment Matrix to determine the need for a specialized tactical unit response. The Risk Assessment Matrix ("Matrix") will be used for all pre-planned search warrants regardless of whether tactical is activated and deployed to the scene. The Risk Matrix does not apply to arrest warrants or callout as a result of an ongoing incident.





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2. The Matrix will be submitted through your Division chain of command up to the lieutenant for approval where a pre-planned search warrant is being executed.
3. The Matrix will be kept on file by the assigned division for a period of at least five (5) years. These logs will be turned into SOD no later than the fifth (5<sup>th</sup>) of every month (if the 5<sup>th</sup> falls on a weekend it will be due the following work day).
4. When a request for a case file from those logs is made by SOD or the Compliance Bureau, the division/area command will have three business days to send the requested cases.
5. It will be the responsibility of the unit supervisor to ensure this form is completed and included in the original case file.
6. The section Lieutenant will have final authority on any disputes or questions arising from the matrix. Section Lieutenants will also coordinate any conflicts with the Tactical Section Lieutenant.
  - a. Detectives may also consult the matrix for guidance when conducting operations other than search warrants. Unit supervisors are responsible for continually assessing each incident to determine if it requires a tactical response. Unit supervisors are also responsible for direct communication with tactical supervisors prior to, and as operations are conducted.
  - b. APD Tactical Search/Arrest Warrant Service Risk Assessment Matrix:



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<b>Risk Assessment Matrix</b>		
<b>Points</b>	<b>Facts</b>	<b>Score</b>
<b>SEARCH WARRANT SERVICE</b>		
	Is the offense a felony? <i>If No, Consult Tactical Lieutenant</i>	
5	Warrant for a non-violent felony	
2	Search warrant is for drugs	
2	Search warrant is for evidence of a crime against a person	
<b>LOCATION</b>		
5	Service of warrant requires the use of mechanical breaching tools	
25	Location is fortified or requires special breaching tools	
3	Location has known aggressive attack dogs	
10	Verified firearms at location (UC or CI)	
5	Size of location / two or more levels	
5	Location has counter-surveillance equipment/people	
25	Drug manufacturing location/large-scale narcotics distribution	
1	Sympathetic subjects near target location	
<b>AUXILLARY SUBJECTS</b>		
5	4 or more subjects verified at location (UC or CI)	
3	High probability of small children/elderly/or physically challenged	
<b>TARGET SUBJECT(S)</b>		
1	Has property crimes history only	
5	Has history of crimes against persons or has an outstanding warrant for a crime against persons	
5	Has history of multiple felony arrests	
5	Have made statements about resisting arrest	
2	Has history of felony drug arrests (within 10 years)	
10	Has violent criminal history (within 10 years)	
15	Has history of using firearms during crimes (within 10 years)	
15	Is known and verified to carry firearms (CI or UC)	
15	Has previous conviction for firearms violation (within 10 years)	
10	Has history of assault on police/resisting arrest (within 10 years)	
25	Has outstanding warrant for Homicide, Rape, Felonious Assault, Aggravated Robbery, or Aggravated Assault/Battery	
15	Has a documented history of mental health issues	
2	Is unknown	
<b>TOTAL SCORE:</b>		
Give the appropriate point value to each category that applies. If the total score is 25 or more, contact SWAT for assistance in the execution of the warrant Check all categories that apply.		



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<b>LOCATION</b>		
5	Service of warrant requires the use of mechanical breaching tools	
25	Location is fortified or requires special breaching tools	
3	Location has known aggressive attack dogs	
10	Verified firearms at location (UC or CI)	
5	Size of location / two or more levels	
5	Location has counter-surveillance equipment/people	
25	Drug manufacturing location/large-scale narcotics distribution	
1	Sympathetic subjects near target location	
<b>AUXILLARY SUBJECTS</b>		
5	4 or more subjects verified at location (UC or CI)	
3	High probability of small children/elderly/or physically challenged	
<b>TARGET SUBJECT(S)</b>		
1	Has property crimes history only	
5	Has history of crimes against persons or has an outstanding warrant for a crime against persons	
5	Has history of multiple felony arrests	
5	Have made statements about resisting arrest	
2	Has history of felony drug arrests (within 10 years)	
10	Has violent criminal history (within 10 years)	
15	Has history of using firearms during crimes (within 10 years)	
15	Is known and verified to carry firearms (CI or UC)	
15	Has previous conviction for firearms violation (within 10 years)	
10	Has history of assault on police/resisting arrest (within 10 years)	
25	Has outstanding warrant for Homicide, Rape, Felonious Assault, Aggravated Robbery, or Aggravated Assault/Battery	
15	Has a documented history of mental health issues	
2	Is unknown	
<b>TOTAL SCORE:</b>		

Give the appropriate point value to each category that applies.  
 If the total score is 25 or more, contact SWAT for assistance in the execution of the warrant  
 Check all categories that apply.





# Risk Assessment Matrix

## Pre-Planned Search Warrant Service

<b>Case Agent:</b>	<b>Location:</b>
--------------------	------------------

**Case #**  
**Search Warrant**

POINTS	FACTS	SCORE
Yes or No	Is the offense a felony? If No, consult Tactical Lieutenant	
5	Arrest Warrant for a non-violent felony	
2	Search warrant is for drugs	
2	Search warrant is for evidence of a crime against a person	

POINTS	LOCATION FACTS	SCORE
25	Location is fortified	
3	Location has known aggressive attack dogs	
10	Verified firearms at location (UC or CI)	
5	Size of location (two or more levels or multiple structures)	
5	Location has a counter surveillance equipment/ people	
25	Drug manufacturing location/ large scale narcotics distribution	
1	Sympathetic subjects near target location	

POINTS	AUXILIARY SUBJECTS FACTS	SCORE
5	4 or more subjects verified at location (UC or CI)	
3	High probability of small children/ elderly/ or physically challenged	

POINTS	TARGET SUBJECT(S) FACTS	SCORE
1	Subject of warrant has property crimes history only	
5	Subject of warrant has history of crimes against persons or has an outstanding warrant for a crime against persons	
5	Subject has history of multiple Felony Arrests	
5	Subject of warrant has made statements about resisting arrest	
2	Subject of warrant has history of Felony drug arrests (within last 10 years)	
10	Subject of warrant has violent criminal history (within last 10 years)	
15	Subject of warrant has history of using firearms during crimes (within 10 years)	
15	Subject of warrant is known and verified to carry firearms (CI or UC)	
15	Subject of warrant has previous conviction for firearms violation (within 10 years)	
10	Subject of warrant has a history of assault on police/ resisting arrest (within 10 years)	
25	Subject has outstanding warrant for Homicide, Rape, Felonious Assault, Aggravated Robbery or Aggravated Assault/ Battery	
2	Target/ subject is unknown	
15	Subject of warrant has a documented history of mental health issues	

**TOTAL SCORE:**

- Give the appropriate point value to each category that applies. If the total score is 25 or more, contact SWAT for assistance in the execution of the warrant.
- Form will be reviewed and signed by case agents' chain of command.
- After the form is reviewed and approved by the chain of command, it will be logged onto the Risk Assessment Matrix Log.

**X**

Serqant

**X**

Lieutenant

## APPENDIX

**Fortifications-** Modifications made with the specific intent to deny or significantly delay law enforcement entry into the primary access points of a structure.

- Primary Access Points- Front door, back door, garage door or side door.

**Sympathetic Subjects-** Verified credible information of subjects who are sympathetic to the offender(s) and will attempt to impede law enforcement objectives.

Submit



## Policy Recommendations to the Office of Policy Analysis

Date: 8/1/18

SOP: 2-70 Execution of Search Warrants

Name of Agency: Albuquerque Police Department

RECOMMENDATION 1	
Section(s) of the policy (Ex: 3-29-2 Definitions)	2-70-2D Use of the Tactical Team(Risk Assessment Matrix)
Issue	Special Order 18-50 added to this SOP
Recommendation  Sections 2-70-2D Use of the Tactical Team	SO 18-50 Risk Assessment Matrix and Tactical Activations has been added to this SOP
Recommendation made by	<input type="checkbox"/> Office of Policy Analysis <input type="checkbox"/> Other stakeholder:
Supporting research, best practices, data trends, etc.	SO 18-50
Contact information:	Name: Arturo Sanchez      Phone: 505-977-9143      E-mail: arturosanchez@cabq.gov